



06-15-04

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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kennedy et al.

Serial No.: 10/656,931

Filed: September 5, 2003

For: Configuring a Semantic Network  
To Process Transactions

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Attorney Docket No.: EHP-003.01

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail (Express Mail Label No. EV 327707731 US) in an envelope addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **June 14, 2004**.

  
Steve G. Pereira

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

06/16/2004 JADD01 00000079 061448 10656931  
01 FC:1460 130.00 DA  
06/16/2004 JADD01 00000079 061448 10656931  
04 FC:2255 1005.00 DA

**PETITION UNDER 37 C.F.R. § 1.47(a)**

Dear Sir:

This Petition is submitted under 37 C.F.R. § 1.47(a) in reply to the Notice to File Missing Parts for the subject application, said Notice dated November 26, 2003. The Notice to File Missing Parts indicates that an executed declaration of all inventors is required to complete the filing of the application, further with a \$385.00 filing fee and a surcharge fee of \$65.00. Further, Replacement drawings were requested.

The signatures of inventors James Kennedy and John Trustman have not been obtained after diligent effort. Accordingly, this Petition is provided to complete the filing of the application.

I. Pursuant to 37 C.F.R. § 1.47(a) and § 1.17(h), the Commissioner is hereby authorized to charge deposit account **06-1448, Reference EHP-003.01**, the following fees:

\$130.00 fee for consideration of this petition;

\$1005.00 fee for extension of time in responding to the Notice to file Missing Parts;  
\$385.00 filing fee; and,  
\$65.00 declaration surcharge fee.

Also provided herein is a Copy of the Notice to File Missing Parts, and Replacement drawings for Figures 1-7.

The undersigned further respectfully petitions, pursuant to 37 CFR 1.136(a), for an extension of time of five (5) months, with payment of the applicable extension fee authorized by the foregoing statements. The Commissioner is hereby authorized to charge any other fees/deficiencies, and credit any overpayments, to deposit account **06-1448, Reference EHP-003.01**.

II. Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a):

Enclosed are declarations executed by inventors Heather Ellen Bergeron, Chris Easton, Kunjan Jhaveri, Eugene Krylov, Simone Lomos Pringle, Benjamin Sprecher, and Andre Yoshida, with the signature blocks of non-signing inventors John Trustman and James Kennedy remaining blank, said executed declarations referencing the subject application.

III. Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a) and (d):

1. On or about January 29, 2004, the undersigned provided a package via U.S. mail to inventors John Trustman and James Kennedy with a copy of Declarations for all applications under which Mr. John Trustman and Mr. James Kennedy are listed as inventors, including the subject application (Exhibit A).

2. On or about March 10, 2004, the undersigned provided a package via U.S. mail, certified mail, return receipt, to inventors John Trustman and James Kennedy with a copy of Declarations for all applications under which Mr. John Trustman and Mr. James Kennedy are listed as inventors, including the subject application (Exhibit B).

3. On or about May 28, 2004, the undersigned provided a package via U.S. mail, certified mail, return receipt, to inventor James Kennedy with a copy of all pending applications and associated Declarations for all applications under which Mr. James Kennedy is listed as an inventor, including the subject application (Exhibit C), and the undersigned provided a package via Federal Express to inventor John Trustman with a copy of all pending applications and associated Declarations for all applications under which Mr. John Trustman is listed as an inventor, including the subject application (Exhibit D).

4. Applicants' Attorney has not received any response from Mr. James Kennedy or Mr. John Trustman.

5. Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a) and (e), the last known address of inventor James Kennedy is:

5302 Cedar Bend Creek

Houston, TX 77041-6606; and,

the last known address for inventor John Trustman is:

11 Salt Island Road

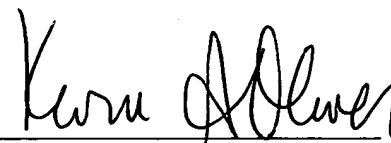
Gloucester, MA 01930-1972

Based on the foregoing statements and the accompanying documents, granting of the present Petition under 37 C.F.R. § 1.47(a) is requested.

Date: June 14, 2004

Customer No. 25,181  
Patent Group  
Foley Hoag LLP  
155 Seaport Blvd.  
Boston, MA 02210  
Tel: (617) 832-1241  
Fax: (617) 832-7000

Respectfully submitted,  
FOLEY HOAG LLP

  
Kevin A. Oliver  
Reg. No. 42,049  
Attorney for the Applicants

January 29, 2004

James Kennedy  
5302 Cedar Bend Creek  
Houston, TX 77041-6606

Kevin A. Oliver  
Boston Office  
617.832.1241  
koliver@foleyhoag.com

Re: U.S. Patent Application No. 10/642,126  
Semantic Network by Kennedy, et al.  
Our Docket No. EHP-002.03  
U.S. Patent Application No. 10/656,931  
Configuring a Semantic Network to Process Transactions by Bergeron, et al.  
Our Docket No. EHP-003.01  
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Processing Transactions Using a Semantic Network  
Our Docket No. EHP-003.02  
U.S. Patent Application No. 10/656,909  
Processing Transactions Using a Structured Natural Language  
Our Docket No. EHP-003.03  
U.S. Patent Application No. 10/680,863  
Configuring a Semantic Network to Process Health Care Transactions  
Our Docket No. EHP-003.04  
U.S. Patent Application No. 10/681,052  
Processing Health Care Transactions Using a Semantic Network  
Our Docket No. EHP-003.05

Dear James:

Enclosed are the following documents with respect to the above referenced applications:

1) Declaration for Utility Application Using an Application Data Sheet. Please sign the form where indicated by the "Sign Here" sticker.

2) Assignment. Sign and date the form where indicated. Please note, your signature must be witnessed, but the witness need not be a notary public.

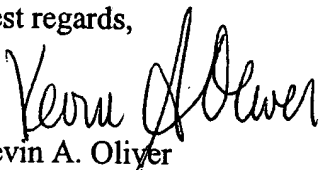
After all forms have been completed, please return them to me by either facsimile at 617-832-7000 or regular mail.

FHBoston/1007598.1

Exhibit A  
1/4

James Kennedy  
January 29, 2004  
Page 2

Best regards,

  
Kevin A. Oliver

KAO:tab  
Enclosures

Exhibit A  
2/4

January 29, 2004

John Trustman  
11 Salt Island Road  
Gloucester, MA 01930-1972

Kevin A. Oliver  
Boston Office  
617.832.1241  
koliver@foleyhoag.com

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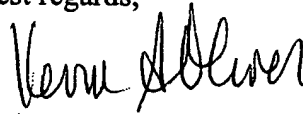
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FHBoston/1007598.1

Exhibit A  
3/4

John Trustman  
January 29, 2004  
Page 2

Best regards,



Kevin A. Oliver

KAO:tab  
Enclosures

Exhibit A  
4/4

March 10, 2004

Kevin A. Oliver  
Boston Office  
617.832.1241  
koliver@foleyhoag.com

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

James Kennedy  
5302 Cedar Bend Creek  
Houston, TX 77041-6606

Re: U.S. Patent Application No. 10/642,126  
Semantic Network by Kennedy, et al.  
Our Docket No. EHP-002.03  
U.S. Patent Application No. 10/656,931  
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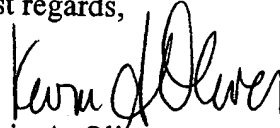
FHBoston/1007598.2

*Exhibit B*  
*1/4*

James Kennedy  
March 10, 2004  
Page 2

After all forms have been completed, please return them to me by either facsimile at 617-832-7000 or regular mail.

Best regards,



Kevin A. Oliver

KAO:tab  
Enclosures

Exhibit B  
2/4

March 10, 2004

Kevin A. Oliver  
Boston Office  
617.832.1241  
koliver@foleyhoag.com

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

John Trustman  
11 Salt Island Road  
Gloucester, MA 01930-1972

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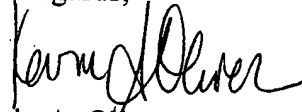
FHBoston/1007598.2

Exhibit B  
3/4

John Trustman  
March 10, 2004  
Page 2

After all forms have been completed, please return them to me by either facsimile at 617-832-7000 or regular mail.

Best regards,



Kevin A. Oliver

KAO:tab  
Enclosures

Exhibit B  
4/4

2HP-301

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE  
**CERTIFIED MAIL**



7000 1670 0000 7474 2447  
7000 1670 0000 7474 2447

U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)		
<div>Postage \$</div> <div>Certified Fee</div> <div>Return Receipt Fee (Endorsement Required)</div> <div>Restricted Delivery Fee (Endorsement Required)</div> <div>Total Postage &amp; Fees \$</div>		
		Ref-21912-C
Postmark Here		
Recipient's Name (Please Print Clearly) (to be completed by mailer) <u>James Kennedy</u> Street, Apt. No., or PO Box No. <u>5302 Cedar Bend Creek</u> City, State, ZIP+4 <u>Houston TX 77041-6606</u>		
PS Form 3800, February 2000		See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Kennedy  
5302 Cedar Bend Creek  
Houston, TX 77041-6606

2. Article Number (Copy from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature ☒ Agent  
X ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7000 1670 0000 7474 2447

Exhibit C  
1/3

May 28, 2004

Kevin Oliver  
Boston Office  
617.832.1241  
koliver@foleyhoag.com

Via Certified Mail/Return Receipt Requested

James Kennedy  
5302 Cedar Bend Creek  
Houston, TX 77041-6606

Re U.S. Patent Application No. 10/642,126  
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Title: Processing Health Care Transactions Using a Semantic Network  
Our Ref. No.: EHP-003.05

Dear Mr. Kennedy:

Enclosed are copies of the above-referenced applications. Also enclosed are the following documents which were previously sent to you that need your signature.

FHBoston/1061407.2

*Exhibit C*  
*2/3*

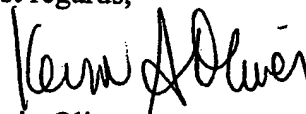
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After all forms have been completed, please return them to me by either facsimile at (617) 832-7000 or regular mail.

Should you have questions, please do not hesitate to contact me at (617) 832-1241, or by email at [koliver@foleyhoag.com](mailto:koliver@foleyhoag.com).

Best regards,

  
Kevin Oliver

KAO/jyc

Enclosures

cc: Christopher Umana, Esq. (w/o encls.)

Exhibit C  
3/3

**Collymore, Jeannette**

**From:** FedEx [donotreply@fedex.com]  
**Sent:** Tuesday, June 01, 2004 9:42 AM  
**To:** Collymore, Jeannette  
**Subject:** FedEx shipment 791854324089

21912-9

EHP-301

Our records indicate that the shipment sent from KEVIN A. OLIVER/FOLEY HOAG LLP to John Trustman has been delivered.

The package was delivered on 06/01/2004 at 9:37 AM and signed for or released by 11 ONFILE.

The ship date of the shipment was 05/28/2004.

The tracking number of this shipment was 791854324089.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:  
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=791854324089  
&action=track&language=english&cntry\\_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791854324089&action=track&language=english&cntry_code=us)

Disclaimer

-----  
FedEx has not validated the authenticity of any email address.

Exhibit D  
1/4

From: Origin ID: (617)832-1241  
KEVIN A. OLIVER  
FOLEY HOAG LLP  
155 SEAPORT BOULEVARD

BOSTON, MA 02210

**FedEx**  
Express



CL8032404

SHIP TO: (781)372-3800

BILL SENDER

John Trustman

11 Salt Island Road

Gloucester, MA 019301972

Ship Date: 28MAY04  
Actual Wgt: 3 LB  
System#: 5060022/INET1800  
Account#: S \*\*\*\*\*

REF: 21912-9



Delivery Address Bar Code

**PRIORITY OVERNIGHT**

**TUE**

Deliver By:  
01JUN04

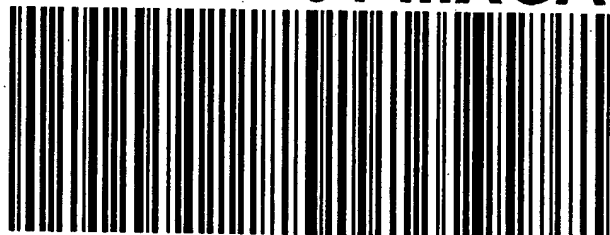
TRK# 7918 5432 4089

FORM  
0201

BOS AA

01930 -MA-US  
RES

**01 MXGA**



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.**

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

Exhibit D  
2/4

May 28, 2004

Kevin Oliver  
Boston Office  
617.832.1241  
koliver@foleyhoag.com

**Via Federal Express**

John Trustman  
11 Salt Island Road  
Gloucester, MA 01930-1972

Re U.S. Patent Application No. 10/642,126  
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Our Ref. No.: EHP-003.05

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FHBoston/1061407.6

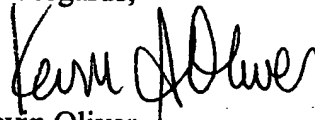
Exhibit D  
3/4

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Kevin Oliver

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Enclosures

cc: Christopher Umana, Esq. (w/o encls.)

Exhibit D  
5/4